

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1911

Introduced by Assembly Member Eggman

February 11, 2016

An act to ~~amend Section 241.1~~ *repeal and add Section 241.2* of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL’S DIGEST

AB 1911, as amended, Eggman. Dual-status minors.

Existing law requires the probation department and child welfare service department in each county to jointly develop a written protocol, as specified, to ensure appropriate local coordination in the assessment of a minor who is both a dependent child and a ward of the juvenile court. Existing law requires, whenever a minor appears to be both a dependent child and a ward of the juvenile court, the county probation department and the child welfare services department, pursuant to that jointly developed written protocol, to initially determine which status will best serve the best interests of the minor and the protection of society. *Existing law requires the protocol to include a plan to collect data, and requires the Judicial Council to collect and compile that data. Existing law requires the Judicial Council to prepare an evaluation of the results of the implementation of the protocol, as specified, and to report its findings and any resulting recommendations to the Legislature within 2 years of the date those counties first deem a child to be a dual status child.*

This bill would ~~make technical, nonsubstantive changes to those provisions~~. *require the Judicial Council to, on or before January 31, 2017, convene a committee comprised of stakeholders involved in*

serving the needs of dependents or wards of the juvenile court, as specified. The bill would require the committee to develop and report to the Legislature its recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's dually involved, crossover, and dual status youth, and would require the recommendations to include specified information, including standardized definitions related to the populations of youth involved in both the child welfare system and the probation system. The bill would also require the State Department of Social Services to, on or before January 31, 2017, implement a function within the Child Welfare Services/Case Management System (CWS/CMS) that will enable county child welfare agencies and county probation departments to identify the dually involved youth residing within their counties, and to issue guidance to all counties on the manner in which to track joint assessment hearing information completely and consistently for dually involved youth.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 241.2 of the Welfare and Institutions Code*
- 2 *is repealed.*
- 3 ~~241.2. The Judicial Council shall collect and compile all of the~~
- 4 ~~data to be collected pursuant to paragraph (4) of subdivision (e)~~
- 5 ~~of Section 241.1 and shall prepare an evaluation of the results of~~
- 6 ~~the implementation of the protocol authorized in that subdivision~~
- 7 ~~for a representative sample of the counties that create a protocol~~
- 8 ~~pursuant to that provision. The Judicial Council shall report its~~
- 9 ~~findings and any resulting recommendations to the Legislature~~
- 10 ~~within two years of the date those counties first deem a child to~~
- 11 ~~be a dual status child. The Judicial Council shall review all~~
- 12 ~~proposed protocols to ensure that they provide for the collection~~
- 13 ~~of adequate, standardized data to perform these evaluations. In~~
- 14 ~~order to assist counties with data collection and evaluation, the~~
- 15 ~~Judicial Council may prepare model data collection and evaluation~~
- 16 ~~provisions that a county must include in their protocol.~~
- 17 *SEC. 2. Section 241.2 is added to the Welfare and Institutions*
- 18 *Code, to read:*

241.2. (a) *The Judicial Council shall, on or before January 31, 2017, convene a committee comprised of stakeholders involved in serving the needs of dependents or wards of the juvenile court, including, but not limited to, judges, probation officers, social workers, and representatives from the State Department of Social Services. Within one year from the date of its first meeting, the committee shall develop and report to the Legislature its recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's dually involved, crossover, and dual status youth. The committee's recommendations shall include, but not be limited to, all of the following:*

(1) A common identifier counties may use to reconcile data across child welfare and probation data systems statewide.

(2) Standardized definitions for terms related to the populations of youth involved in both the child welfare system and the probation system.

(3) Identified and defined outcomes for counties to track for dually involved, crossover, and dual status youth, such as outcomes related to recidivism and education.

(4) Established baselines and goals for the identified and defined outcomes specified in paragraph (3).

(5) An assessment as to the costs and benefits associated with requiring all counties to implement the committee's recommendations.

(b) The State Department of Social Services shall, on or before January 31, 2017, implement a function within the Child Welfare Services/Case Management System (CWS/CMS) that will enable county child welfare agencies and county probation departments to identify the dually involved youth residing within their counties and shall issue guidance to all counties on how to track joint assessment hearing information completely and consistently for dually involved youth.

~~SECTION 1. Section 241.1 of the Welfare and Institutions Code is amended to read:~~

~~241.1. (a) Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The~~

1 recommendations of both departments shall be presented to the
2 juvenile court with the petition that is filed on behalf of the minor;
3 and the court shall determine which status is appropriate for the
4 minor. Any other juvenile court having jurisdiction over the minor
5 shall receive notice from the court, within five calendar days, of
6 the presentation of the recommendations of the departments. The
7 notice shall include the name of the judge to whom, or the
8 courtroom to which, the recommendations were presented.

9 (b) (1) The probation department and the child welfare services
10 department in each county shall jointly develop a written protocol
11 to ensure appropriate local coordination in the assessment of a
12 minor described in subdivision (a), and the development of
13 recommendations by these departments for consideration by the
14 juvenile court.

15 (2) These protocols shall require, but shall not be limited to,
16 consideration of the nature of the referral, the age of the minor,
17 the prior record of the minor's parents for child abuse, the prior
18 record of the minor for out-of-control or delinquent behavior, the
19 parents' cooperation with the minor's school, the minor's
20 functioning at school, the nature of the minor's home environment,
21 and the records of other agencies that have been involved with the
22 minor and his or her family. The protocols also shall contain
23 provisions for resolution of disagreements between the probation
24 and child welfare services departments regarding the need for
25 dependency or ward status and provisions for determining the
26 circumstances under which filing a new petition is required to
27 change the minor's status.

28 (3) (A) These protocols may also require immediate notification
29 of the child welfare services department and the minor's
30 dependency attorney upon referral of a dependent minor to
31 probation, procedures for release to, and placement by, the child
32 welfare services department pending resolution of the
33 determination pursuant to this section, timelines for dependents
34 in secure custody to ensure timely resolution of the determination
35 pursuant to this section for detained dependents, and
36 nondiscrimination provisions to ensure that dependents are
37 provided with any option that would otherwise be available to a
38 nondependent minor.

39 (B) If the alleged conduct that appears to bring a dependent
40 minor within the description of Section 601 or 602 occurs in, or

1 under the supervision of, a foster home, group home, or other
2 licensed facility that provides residential care for minors, the county
3 probation department and the child welfare services department
4 may consider whether the alleged conduct was within the scope
5 of behaviors to be managed or treated by the foster home or facility,
6 as identified in the minor's case plan, needs and services plan,
7 placement agreement, facility plan of operation, or facility
8 emergency intervention plan, in determining which status will
9 serve the best interests of the minor and the protection of society
10 pursuant to subdivision (a):

11 (4) The protocols shall contain all of the following processes:

12 (A) A process for determining which agency and court shall
13 supervise a child whose jurisdiction is modified from delinquency
14 jurisdiction to dependency jurisdiction pursuant to paragraph (2)
15 of subdivision (b) of Section 607.2 or subdivision (i) of Section
16 727.2.

17 (B) A process for determining which agency and court shall
18 supervise a nonminor dependent under the transition jurisdiction
19 of the juvenile court.

20 (C) A process that specifically addresses the manner in which
21 supervision responsibility is determined when a nonminor
22 dependent becomes subject to adult probation supervision.

23 (e) Whenever a minor who is under the jurisdiction of the
24 juvenile court of a county pursuant to Section 300, 601, or 602 is
25 alleged to come within the description of Section 300, 601, or 602
26 by another county, the county probation department or child
27 welfare services department in the county that has jurisdiction
28 under Section 300, 601, or 602 and the county probation
29 department or child welfare services department of the county
30 alleging the minor to be within one of those sections shall initially
31 determine which status will best serve the best interests of the
32 minor and the protection of society. The recommendations of both
33 departments shall be presented to the juvenile court in which the
34 petition is filed on behalf of the minor, and the court shall
35 determine which status is appropriate for the minor. In making
36 their recommendation to the juvenile court, the departments shall
37 conduct an assessment consistent with the requirements of
38 subdivision (b). Any other juvenile court having jurisdiction over
39 the minor shall receive notice from the court in which the petition
40 is filed within five calendar days of the presentation of the

1 recommendations of the departments. The notice shall include the
2 name of the judge to whom, or the courtroom to which, the
3 recommendations were presented.

4 (d) Except as provided in subdivision (c), this section shall not
5 authorize the filing of a petition or petitions, or the entry of an
6 order by the juvenile court, to make a minor simultaneously both
7 a dependent child and a ward of the court.

8 (e) Notwithstanding subdivision (d), the probation department
9 and the child welfare services department, in consultation with the
10 presiding judge of the juvenile court, in any county may create a
11 jointly written protocol to allow the county probation department
12 and the child welfare services department to jointly assess and
13 produce a recommendation that the child be designated as a dual
14 status child, allowing the child to be simultaneously a dependent
15 child and a ward of the court. This protocol shall be signed by the
16 chief probation officer, the director of the county social services
17 agency, and the presiding judge of the juvenile court prior to its
18 implementation. A juvenile court shall not order that a child is
19 simultaneously a dependent child and a ward of the court pursuant
20 to this subdivision unless and until the required protocol has been
21 created and entered into. This protocol shall include all of the
22 following:

23 (1) A description of the process to be used to determine whether
24 the child is eligible to be designated as a dual status child.

25 (2) A description of the procedure by which the probation
26 department and the child welfare services department will assess
27 the necessity for dual status for specified children and the process
28 to make joint recommendations for the court's consideration prior
29 to making a determination under this section. These
30 recommendations shall ensure a seamless transition from wardship
31 to dependency jurisdiction, as appropriate, so that services to the
32 child are not disrupted upon termination of the wardship.

33 (3) A provision for ensuring communication between the judges
34 who hear petitions concerning children for whom dependency
35 jurisdiction has been suspended while they are within the
36 jurisdiction of the juvenile court pursuant to Section 601 or 602.
37 A judge may communicate by providing a copy of any reports
38 filed pursuant to Section 727.2 concerning a ward to a court that
39 has jurisdiction over dependency proceedings concerning the child.

1 ~~(4) A plan to collect data in order to evaluate the protocol~~
2 ~~pursuant to Section 241.2.~~

3 ~~(5) Counties that exercise the option provided for in this~~
4 ~~subdivision shall adopt either an “on-hold” system as described~~
5 ~~in subparagraph (A) or a “lead court/lead agency” system as~~
6 ~~described in subparagraph (B). There shall not be any simultaneous~~
7 ~~or duplicative case management or services provided by both the~~
8 ~~county probation department and the child welfare services~~
9 ~~department. It is the intent of the Legislature that judges, in cases~~
10 ~~in which more than one judge is involved, shall not issue~~
11 ~~conflicting orders.~~

12 ~~(A) In counties in which an on-hold system is adopted, the~~
13 ~~dependency jurisdiction shall be suspended or put on hold while~~
14 ~~the child is subject to jurisdiction as a ward of the court. When it~~
15 ~~appears that termination of the court’s jurisdiction, as established~~
16 ~~pursuant to Section 601 or 602, is likely and that reunification of~~
17 ~~the child with his or her parent or guardian would be detrimental~~
18 ~~to the child, the county probation department and the child welfare~~
19 ~~services department shall jointly assess and produce a~~
20 ~~recommendation for the court regarding whether the court’s~~
21 ~~dependency jurisdiction shall be resumed.~~

22 ~~(B) In counties in which a lead court/lead agency system is~~
23 ~~adopted, the protocol shall include a method for identifying which~~
24 ~~court or agency will be the lead court/lead agency. That court or~~
25 ~~agency shall be responsible for case management, conducting~~
26 ~~statutorily mandated court hearings, and submitting court reports.~~

27 ~~(f) Whenever the court determines pursuant to this section or~~
28 ~~Section 607.2 or 727.2 that it is necessary to modify the court’s~~
29 ~~jurisdiction over a dependent or ward who was removed from his~~
30 ~~or her parent or guardian and placed in foster care, the court shall~~
31 ~~ensure that all of the following conditions are met:~~

32 ~~(1) The petition under which jurisdiction was taken at the time~~
33 ~~the dependent or ward was originally removed is not dismissed~~
34 ~~until the new petition has been sustained.~~

35 ~~(2) The order modifying the court’s jurisdiction contains all of~~
36 ~~the following provisions:~~

37 ~~(A) Reference to the original removal findings and a statement~~
38 ~~that findings that continuation in the home is contrary to the child’s~~
39 ~~welfare, and that reasonable efforts were made to prevent removal,~~
40 ~~remain in effect.~~

- 1 ~~(B) A statement that the child continues to be removed from~~
- 2 ~~the parent or guardian from whom the child was removed under~~
- 3 ~~the original petition.~~
- 4 ~~(C) Identification of the agency that is responsible for placement~~
- 5 ~~and care of the child based upon the modification of jurisdiction.~~